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GRAFTON, MA.

APR 8 9 37 AM '08 Minutes of Meeting
Grafton Planning Board
March 24, 2008

A regular meeting of the Grafton Planning Board was held on Monday, March 24, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chair Robert Hassinger, Clerk Keith Regan, Donald Chouinard, Richard McCarthy and Associate Member Christophe G. Courchesne. Staff present was Town Planner Stephen Bishop, Assistant Town Planner Ann Morgan and recording secretary Melissa Girouard.

Chairman Parsons called the meeting to order at 7:00 p.m.

SP 2008-3 EDWARD HAGARTY – 14 BROOKMEADOW LANE- BROOKMEADOW VILLAGE, LLC

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 7:01 p.m.

Present for the hearing were the applicant Mr. Edward Hagarty and the owner's representative, Normand Gamache of Guerriere & Halnon, Inc.

Mr. Gamache gave an overview of the proposed 1000 square foot accessory apartment to the Board. Mr. Gamache stated that the accessory apartment consists of a finished walkout basement, with access through the garage and also by a staircase leading to the basement located in the center of the proposed house. A third ingress / egress to the back yard is provided at the rear of the unit. The entire apartment is located within the existing structure.

Mr. Gamache noted that this is an unbuilt house and that the applicant was seeking to build out the basement as part of the purchase of the house. Mr. Hagarty, 18 Rawson Road of Bellingham, the applicant, noted that the unit was being built to accommodate his 86 year old mother.

Mr. Gamache gave an overview of waiver requests to the Board: 1) service area 2) landscaping 3) lighting 4) proposed signs 5) stormwater management 6) external storage areas 7) hydrological study 8) stormwater calculations 9) traffic study.

Mr. Hassinger inquired about what is to be the primary entrance to the accessory apartment. Mr. Gamache stated that the primary entrance is to be through the garage. Mr. Chouinard stated that he didn't believe you can have a staircase in a garage.

Mr. Regan expressed concern about space for cars. Mr. Gamache stated that the driveway may be able to be extended towards the neighbor's since there is currently 15' between the driveway (on the plan) and the property line.

Mr. McCarthy stated that the Building Inspector will need to approve the plan and address the concerns about entrance and parking with respect to the Building Code.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously.

MOTION by Mr. Courchesne, **SECOND** by Mr. McCarthy, to direct staff to draft a decision with specific inclusion of language to address construction compliance with the Building Code. **MOTION** carried unanimously.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “FERRY RIDGE ESTATES”
SUBDIVISION - continuation**

Mr. Parsons opened the public hearing at 7:30 p.m.

Mr. Bishop informed the Board of a site meeting with the applicant, Town Engineer, the South Grafton Water District and DEP. Mr. Bishop stated that the issue of a drainage swale within the 400' of the Zone 1 district needs to be signed off by DEP who is now reviewing the project. Mr. Bishop stated that he will monitor project progress and that if DEP does not come to an agreement the Planning Board will have to consider their options about permitting LRC back on site. Mr. Bishop stated that there is silt coming from many areas onsite which makes it difficult to pinpoint and control.

Mr. Courchesne stated that the meeting should be continued for a month to allow DEP to review. Mr. Courchesne suggested coming up with a plan to solve the drainage problem in the interim until the full issue is resolved with a stormwater management plan.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to continue the public hearing to April 28, 2008. **MOTION** carried unanimously.

**SP 2008-2 TOWN OF GRAFTON – 30 PROVIDENCE ROAD – RIVERVIEW PARK – 176
PROVIDENCE ROAD - continuation**

Mr. Parsons opened the public hearing at 7:40 p.m.

Mr. Chouinard recused himself from the hearing.

Mr. Bishop informed the Board that there are zoning issues involved with the project and that additional advice from Town Counsel is being sought

The applicant was represented by Don Rose of Coler & Colantonio. Mr. Rose gave an overview of the plan revisions. Mr. Rose stated that the nearest unit is about 120' from the proposed work and that there is a 40' x 60' area for trailers. Mr. Rose stated that the abutter asked for screening along the property line and a 4' fence was agreed upon. Mr. Rose further noted that other concerns raised at the last hearing were addressed to the satisfaction of the abutters including the size of the playground, additional screening and the irrigation controls housing unit and that these changes are now reflected on the revised plans.

Mr. Bishop stated he had researched and located the original traffic study prepared as part of the Riverview Apartments application. He noted that there are no sight distance issues from the old traffic study pertaining to the access drive. Mr. Hassinger stated that the sign for the apartments may be an obstruction to the south and that there may be a bylaw pertaining to sign location and obstruction of view.

Mr. John LaPoint of the Recreational Fields Committee stated that there is a need for a multi-purpose field in Town. Mr. LaPoint stated that MA Fish and Wildlife and the Audubon Society are involved and that there is a potential for a walking trail from Fisherville Mill Dam to this site. He stated that the field is to be used for Pop Warner football, lacrosse, flag football, soccer, and cricket. Mr. LaPoint stated that the potential for portable classrooms may threaten already existing fields. Mr. LaPoint further noted that this a prime site for river access in particular fishing, canoeing and kayaking. He closed his comments asking the Board to approve this project.

Mr. Chris Toomey of McCarter & English, represented the abutter, Esprit Realty, LLC. Mr. Toomey noted that the applicant had met with the abutter since the last hearing and that many issues were discussed and resolved. However, Mr. Toomey stated that the abutter continues to be concerned about issues with respect to the road such as plowing and speed bumps, and also with hours of operation (during and post-construction) and security. Mr. Hassinger indicated that the Board would include conditions that reference any agreement that the Town and the abutter agree to.

Bob Fitzpatrick, of 3 Barbara Jean Street and the Recreation Commission, stated that he received a letter from the Police Department stating that they will patrol the park on a routine basis. Mr. Fitzpatrick stated that the hours of operation for use of the fields and organized sports will be from 8:00 a.m. to dusk Monday through Saturday and noon to dusk on Sundays. He noted that this is standard practice at all the parks in Grafton and that the Recreation Commission would work to get that language in writing. Mr. Fitzpatrick stated that a gate may be an option but that no other fields in Town are gated. Mr. Fitzpatrick also stated that there are other proposed fields being brought forward so that the growing need for recreational fields will not be concentrated at Riverview Park.

Dick Dion, 170 Brigham Hill Road, offered his support of the project with particular regard to fishing. However he noted that and 8:00 a.m. open time would negatively impact those who fish because often they require an earlier access time than 8:00 a.m. Mr. Dion stated that he would ask for a sunrise to sunset time allowance for fisherman. Mr. Fitzpatrick indicated that the Recreation Commission would be willing to consider specifying field use based on his earlier suggestion and that a different time allowance could be made to accommodate fishing.

Ken Webb, of 103 Elmwood Street, stated that he is in favor of the project moving forward since the site is the best in town for water fowl and bird watching

John Carlson of 42 Old Upton Road expressed his concern about a gate limiting access to the site. Mr. Regan expressed concern about a gate causing safety issues. Mr. Hassinger stated that a gate would require someone to open and close it. Mr. Carlson noted that a gate could be installed at a later time if it was deemed appropriate. Mr. Fitzpatrick stated that presently there is no plan to install a gate and that the field would be used in the spring and fall as a practice field for football (flag and contact) and lacrosse and that this would not be used by soccer or baseball. Mr. Hassinger wanted to know if the summer recreational programs would use the field and Mr. Fitzpatrick stated no.

Craig Dauphinais of 5 Bruce Street stated that the Town has requirement restricting hours of construction to is a 7 a.m. to 5 p.m. Monday through Saturday . He noted that the Town does have an agreement for the right of way and that any agreement regarding the maintenance and gifting of the road will need to go through the Board of Selectmen..

Mr. Dauphinais asked if the Board could go forward with approval of the project in advance of receiving that agreement. Mr. Hassinger stated that the Planning Board is looking for advice from Town Counsel and a resolution to issues prior to making a decision.

Stephen Crowley, 30 Bay Farm Lane and the Grafton Soccer Club, stated that the field will be a critical asset towards the improvement of sports programs in Grafton.

Mr. Dion noted that Wayne McCallum of the Fish and Wildlife Service couldn't be in attendance but that his assistant, Bill Davis, did appear before the Conservation Commission in support of this project. Mr. McCallum has indicated that the FWS would be in contact with the Public Access Board for Rivers and Lakes which is interested in ramp and access improvement at this site which would be provided at no cost to the Town.

Marilyn Douglas, 29 Oak Street, expressed her support of this project as she sees it as a vast improvement to the Town's assets.

Mr. Bishop presented Mr. Rose with the previous traffic report. Mr. Hassinger noted that any agreement between the abutter and the Board of Selectmen regarding the road should be presented in the context of this public hearing process.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to continue the public hearing to April 7, 2008. **MOTION** carried unanimously.

ACTION ITEM 2-A – CONSIDER DECISION – SP 2008-1 – BERNARD & LOIS REED – 24 OAK STREET

Mr. McCarthy recused himself from voting.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to approve findings as drafted. **MOTION** passed unanimously.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to grant waivers as drafted. **MOTION** passed unanimously.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the special permit with conditions as discussed. **MOTION** passed unanimously.

ACTION ITEM 2-B – REQUEST PLANNING BOARD APPROVAL TO REPLACE EXISTING SIGN – GRAFTON SUBURBAN CREDIT UNION – 86 WORCESTER STREET

Mr. Bishop presented information pertaining to the request for a change in signage for a site plan that was approved by the Board of the Grafton Suburban Credit Union. The GSCU is requesting locate a new electronic message board in a new location and remove the existing sign. He requested that the Board determine whether a public hearing is necessary or not. Mr. Bishop noted that the Building Inspector stated that electronic message boards are not allowed.

Mr. Bishop noted that the ZBL is silent on the issue of modification of a site plan approval. Members of the Board reviewed the By-Law requirements, proposed sign location and the size of the sign. Mr. McCarthy stated that the proposed project is not, in fact, a replacement of a sign but a new sign. Mr. Hassinger stated that there is controversy regarding internally lit message boards so there should be a hearing. Mr. Hassinger stated that the proposed sign needs to be compared to the existing sign and the bylaw Mr. Courchesne stated, that in his opinion, the new sign request would require a new special permit and subsequently a public hearing.

STAFF REPORT

Mr. Bishop informed the Board that the bank has agreed to include fencing and guard rails in several areas of concern at Magnolia Farms. He noted that the bank will now be able to move forward with bidding the project and should be able to begin work this spring.

Jeff Walsh of Graves Engineering has been asked to prepare bid documents for Miscoe Farms.

Mr. Chouinard left the meeting at 8:54 p.m.

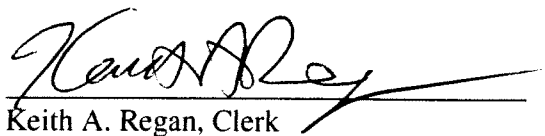
Mr. Bishop stated that the ANR lots on Brown Road will be brought to the Board again on April 7, 2008.

Mr. Bishop noted that the hearings for the new ZBL section and changes to the other sections are in the office for public viewing and that the public hearings have been advertised and set for the April 7, 2008 meeting. Mr. Regan asked if the Board would be responsible for forwarding these as warrant articles to which Mr. Bishop responded yes.

Mr. Bishop stated that Affordable Housing Trust would like to get on the Board's Agenda. Mr. Courchesne added that the Trust, of which he is member, would like to discuss a proposed policy on affordable accessory apartments.

Regarding the Riverview Park project, Mr. Bishop stated clarification was needed from Town Counsel regarding a legal conforming use on a legal pre-existing non-conforming lot. Mr. Hassinger also was interested in the status of the road and who can impose what rules and who has what rights to make right-of-way parking decisions. Mr. Bishop noted that he would continue to work with Town Counsel to gather that information.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to adjourn the meeting at 9:07 p.m.
MOTION passed unanimously.


Keith A. Regan, Clerk